IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.19 OF 2006

WITH

CIVIL APPLICATION NO.404 OF 2006

Union of India ...Appellant

Versus

M/s.Tarlochansingh & Sons ...Respondents

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Mr.D.N.Salvi with Mr.Y.S.Bhate i/b Mrs.S.S.Sarkar for Appellant.

Mr.Chetan Agarwal for Respondents 2 and 3.

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CORAM: A.M.KHANWILKAR, J.

MARCH 17, 2006.

P.C.

1. The Judgment which is impugned in this Appeal from Order is essentially Judgment and Decree passed by the Joint Civil Judge, Senior Division, Pune in regular Civil Suit No.323 of 2000 decided on 5th May 2001. If it is so, the Appellants have been ill-advised to file Appeal from Order.

2. Counsel for the Respondents points out that against the self same Judgment and Decree, the Appellants have already filed First Appeal being First Appeal No.703 of 2002 and the same is already admitted.

3. This only shows the manner in which litigation is handled on behalf of the Union of India in the concerned Branches. I had occasion to make observation in this very matter on the earlier occasion about the laxity in the Legal Department of Union of India in my orders dated January 31, 2006 and 22nd February 2006. Insofar as that aspect is concerned, I have been assured by the Counsel appearing for Union of India that appropriate corrective measures are being resorted to and compliance report will be submitted to this Court within two weeks from today. That aspect will be considered independently. The Appeal be listed on 3rd April 2006 under caption ‘direction’ only for that limited purpose.

4. As mentioned earlier, the present Appeal

from Order is ill-advised. The same is disposed of with liberty to the Appellant to pursue remedy, as may be permissible by law against the impugned Judgement and Decree.

5. The Law Officer shall convey the sentiments of this Court to the Secretary, Law Department, who in turn, is expected to take necessary action against the defaulting persons including the Officers who advised filing of Appeal from Order instead of First Appeal and at the same time, filing of First Appeal against the self same Judgment.

A.M.KHANWILKAR, J.